

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CLEVELAND BROTHERS  
EQUIPMENT CO., INC.,

Plaintiff,

v.

GRIGORIY N. VOROBAY, and  
GRIGORIY N. VOROBAY, d/b/a  
GVN TRANSPORT,

Defendants-Third Party  
Plaintiffs,

v.

MICHAEL A. MILLER.

Third Party Defendant.

No. 4:19-CV-01708

(Chief Judge Brann)

**ORDER**

**FEBRUARY 10, 2023**

In accordance with the accompanying Memorandum Opinion, **IT IS  
HEREBY ORDERED** that:

1. Cleveland Brothers' motions *in limine* (Docs. 74, 76, 78, 80, 82, 84, 86, 88) are **GRANTED** in part and **DENIED** in part, as follows:
  - A. The motion to exclude evidence related to the Underlying Actions (Doc. 74) is granted;

- B. Cleveland Brothers' motions to exclude the opinion testimony of Walter Guntharp (Docs. 76, 88) are granted in part, as explained in more detail in the Memorandum Opinion;
  - C. The motion to exclude evidence related to Vorobey's affirmative defense that some of the underlying settlements applied to punitive damages (Doc. 78) is granted;
  - D. The motion to exclude reference to Cleveland Brothers failing to perform a preventability determination after the 2013 Accident or the Southbound Accident (Doc. 80) is granted;
  - E. The motion to exclude evidence of, or reference to, Bryson's traffic citation related to the Southbound Accident and subsequent guilty plea (Doc. 82) is granted;
  - F. Cleveland Brothers' motion to preclude evidence of Bryson's prior cellphone usage while driving (Doc. 84) is granted; and
  - G. The motion to exclude evidence related to the 2013 Accident (Doc. 86) is denied.
2. Vorobey's motion *in limine* (Doc. 121) is **DENIED**.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge